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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/639,310	08/14/2000	Jay Paul Drummond	D-1077+18	9530
28995	7590	02/20/2004	EXAMINER	
RALPH E. JOCKE 231 SOUTH BROADWAY MEDINA, OH 44256			CHARLES, DEBRA F	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 02/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b> <span style="float: right;">SW</span>	
	09/639,310	DRUMMOND ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Debra F. Charles	3628	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

In view of the appeal brief filed on November 14, 2003, prosecution is hereby reopened.

A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111(if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If the reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

2. Claim 5 is objected to because of the following informalities: it indicates claim 2 item (a) and there is no item (a) in claim 2. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 9, 13 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Semple et al. (U.S. PAT. 6085177A).

Semple et al. disclose a method of operating an automated transaction machine (Abstract) comprising:

- a) reading customer identification information with a reading device in operative connection with an automated transaction machine (Fig. 1, item 228 shows card reader, i.e. "normal user interface to both ATM transactions");
- c) generating at least one web page (Abstract, claims 1-3); and
- d) displaying the at least one web page at the machine through operation of a browser (Abstract, col. 3, lines 50-65, col. 4, lines 10-60, claims 1-3).

Semple et al. do not explicitly disclose the features of customer identification and, accessing at least one customer profile value from at least one data store; responsive to

the customer identification information. However, these features is deemed to be inherent to the Semple et al. system as col. 2, lines 55-67 show a classic ATM machine is modified to access the web and classic ATM machines function only with user identification which inherently is a part of the technology. The Semple et al. system would be inoperative if the user ID did not access the user profile.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2,3,5,8,10,12,20,22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Semple et al.(U.S. PAT. 6085177A) in view of Jheeta (U.S. PAT. 5619558A).

Re claims 2 and 10: Semple et al. disclose receiving an input from an operator of the automated transaction machine(col. 3, lines 15-50).

Semple et al. disclose(s) the claimed invention except modifying the at least one customer profile value in the data store responsive to the input. However, in col. 3, lines 60-67 thereof, Jheeta disclose(s) updating the stored profile based on customer input. It would be obvious to one of ordinary skill in the art to modify the invention of Semple et

al. based on the teachings of Jheeta. The motivation to combine these references is updating the customer profile enables for efficient marketing.

Re claim 3: Semple et al. disclose the data store includes a remote database(col. 3, lines 44-50).

Re claim 5: Semple et al. disclose(s) the reading device includes a card reader device, and wherein the information is read from a card(Fig. 1,item 228 shows card reader, i.e. "normal user interface to both ATM transactions", col. 4, lines 13-25).

Semple et al. disclose(s) the claimed invention except customer identification. However, in col. 2, lines 30-65, thereof, Jheeta disclose(s) that authorized transactions are conventionally stored in the customer database that contains customer identification. It would be obvious to one of ordinary skill in the art to modify the invention of Semple et al. based on the teachings of Jheeta. The motivation to combine these references is both refer to ATMs and Jheeta's customer profile stored in a database enables customer-specific ATM responses enhancing customer ATM experience.

Re claims 8,12,20 and 24: Semple et al. disclose(s) computer readable media having computer readable instructions embodied thereon, the computer readable instructions operative to cause at least one computer to carry out the method steps recited in claim 1(col. 4, lines 45-60).

Re claim 22: Semple et al. disclose(s) the claimed invention except e) determining if the consumer is a customer associated with a financial institution, wherein if the consumer is determined not to be a customer of the financial institution, the targeted advertisement includes a promotion for the financial institution. However, in

col. 1, lines 5-40, col. 3, lines 38-50 thereof, Jheeta disclose(s) cross selling products to existing customers of the bank and to potential customers of the bank. It would be obvious to one of ordinary skill in the art to modify the invention of Semple et al. based on the teachings of Jheeta. The motivation to combine these references is to obtain more customers for the bank.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Semple et al. and Jheeta as applied to claim 2 above, and further in view of Akiyama et al.(U.S. PAT. 5539825A).

Re claim 4: Semple et al. and Jheeta disclose(s) the claimed invention except the data store includes a smart card. However, in col. 1, lines 10-25, col. 6, lines 8-25 thereof, Akiyama et al. disclose(s) an IC smart card . It would be obvious to one of ordinary skill in the art to modify the invention of Semple et al. and Jheeta based on the teachings of Akiyama et al. The motivation to combine these references is to obtain the benefit of using IC technology for customer ATM cards.

8. Claims 6,7,11,14,15,16,17,18 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Semple et al. and Jheeta as applied to claims 2,10,13 and 21 above, and further in view of Patterson et al. (U.S.PAT. 5915246 A).

Re claims 6,7 and 11: None of Semple et al. and Jheeta explicitly disclose(s) wherein the customer profile value is representative of the preferred natural language of the

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customer, wherein the input is representative of a different value for the preferred natural language of the customer;

And wherein the customer profile value is representative of a fast cash amount, wherein the web page includes a selectable option which corresponds to having the automated transaction machine dispense an amount of cash that is equal to the fast cash amount, wherein step (f) includes modifying the fast cash amount;

And wherein the customer profile values include a last withdrawal amount representative of a previously withdrawn amount of cash, wherein one of the selectable options corresponds to a dispensing of an amount of cash equal to the last withdrawal amount, wherein step

(e) includes dispensing of a selected amount of cash with a cash dispenser device, and wherein step

(f) includes modifying the last withdrawal amount with a value that corresponds to the selected amount of cash.

However, in Cols. 1-4, esp. Col. 1, Lines 1-50 thereof, Patterson et al. disclose(s) customer profile value and customer type along with option selection. It would be obvious to one of ordinary skill in the art to modify the invention of Semple et al. and Jheeta by adopting the teachings of Patterson et al. to obtain the benefit of presenting the customer with profile data reflecting customers' transaction input.



Re claims 14,15 and 18: None of Semple et al. and Jheeta explicitly disclose(s) wherein when the customer type corresponds to a servicer of automated transaction machines, including a plurality of selectable servicer options for servicing the automated transaction machine;

And wherein when the customer type corresponds to a consumer, including a plurality of selectable transaction options for performing transactions with the automated transaction machine;

And wherein when the customer type corresponds to a first type of customer, including a first option to perform a first transaction with the automated transaction machine, wherein when the customer type corresponds to a second type of customer, the web page does not include the first option.

However, in Abstract, Cols. 1 and 2 thereof, Patterson et al. disclose(s) option selection based on customer profile. It would be obvious to one of ordinary skill in the art to modify the invention of Semple et al. and Jheeta by adopting the teachings of Patterson et al. to obtain the benefit of presenting the ATM user with relevant options to select and to indicate options for customers' selection based on the type of customer identified via the customer profile.

Re claims 17 and 23: None of Semple et al. and Jheeta explicitly disclose(s) wherein the targeted advertisement includes at least one selectable option, wherein the method further comprises:

- (e) receiving an input from the consumer that corresponds to the selectable option;
- and
- (f) updating the customer profile responsive to the input.

However, in Cols. 1-4, esp. Col. 1, Lines 1-50 thereof, Patterson et al. disclose(s) option selection based on customer profile. It would be obvious to one of ordinary skill in the art to modify the invention of Semple et al. and Jheeta by adopting the teachings of Patterson et al. to obtain the benefit of presenting the customer with profile data reflecting customers' transaction input.

Official notice is taken that it is old and well known in the computer art to get the advantage of providing customers with selectable options that automatically builds the customers' profile in order to present the customer with relevant selectable options upon subsequent ATM use. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include customer selectable options in which the actual selected option becomes a part of the customers' stored profile.

Re claim 16: None of Semple et al. and Jheeta explicitly disclose(s) wherein the targeted advertisement includes at least one selectable option, wherein the method further comprises:

- (e) receiving an input from the consumer that corresponds to the selectable option;
- and
- (f) updating the customer profile responsive to the input.

However, in Cols. 1-4, esp. Col. 1, Lines 1-50 thereof, Patterson et al. disclose(s) option selection based on customer profile. Thus, it would have been within the level of ordinary skill in the art to modify the method of Semple et al. and Jheeta by adopting the teachings of Patterson et al. to obtain the benefit of presenting the customer with profile data reflecting customers' transaction input.

Official notice is taken that it is old and well known in the computer art to get the advantage of providing customers with selectable options that automatically builds the customers' profile in order to present the customer with relevant selectable options upon subsequent ATM use. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include customer selectable options in which the actual selected option becomes a part of the customers' stored profile.

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9. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Semple et al., Jheeta and Patterson et al. as applied to claim 18 above, and further in view of Martin, Jr. et al. (U.S.PAT. 630860 B1).

None of Semple et al., Jheeta and Patterson et al. explicitly disclose(s) wherein the first transaction corresponds to bill payment. However, in Fig. 3, item 304, Col. 5, Lines 35-67, Col. 6, Lines 20-32, Col. 10, Lines 55-67, Col. 11, Lines 1-20 thereof, Martin, Jr. et al. disclose(s) ATM transactions that permit bill payment. It would be obvious to one of ordinary skill in the art to modify the invention of Semple et al., Jheeta and Patterson et al. by adopting the teachings of Martin, Jr. et al. to obtain the benefit of using an ATM screen to select the bill payment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra F. Charles whose telephone number is (703) 305-4718. The examiner can normally be reached on 9-5 Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on (703) 308-0505. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5771.

Debra F. Charles

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Examiner

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